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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D. Klein et al.	)	
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S.N.:10/760,336	)	Examiner: Harry D. Wilkins, III
	)	
Filed: January 20, 2004	)	Art Unit: 1742
	)	
Confirmation No: 9814	)	
	)	
For: APPARATUS AND METHOD FOR THE CONVERSION OF WATER INTO A NEW GASEOUS AND COMBUSTIBLE FORM AND THE COMBUSTIBLE GAS FORMED THEREBY	)	

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dennis J. Klein, declare and state:

1. I am one of the Applicant(s) of the above-identified patent application and the inventor of the subject matter described and claimed therein.

2. As agreed to at the August 1, 2006 interview with the examiner, I herein attach data documenting when and how I started using nickel lattice-like material for electrolyzer plates made by Inco Special Products as Inco Foam. The attached summary with exhibits A-D shows that I had possession of the invention prior to the filing of the patent application. As explained

during the August 1, 2006 interview, the term "meshed" used in the patent specification was my own interpretation of what "high porosity foam like lattice" may mean generically.

3. In addition, subsequent to the August 1, 2006 interview, I had the opportunity to visit a licensee of the patent application in Europe. The licensee is Rokura Aplicatrii Industriale of Bucharest, Romania. We were provided a summary of tests commissioned by the licensee, in which a combustion bomb test was conducted using separate H2-O2 gas (Brown's Gas) and HHO gas. The HHO gas was made by the same electrolyzer described and claimed in the instant patent application that I supplied to Rokura. A review of the test data verifies that the characteristics of HHO gas and Brown's gas are significantly different.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or of any patent issuing therefrom.

Dated: 9/8/06

Dennis J. Klein

Background Data on Inco Foam
Lab Notes:

(1) On 8/30/03 Dennis Klein contacted Inco special products, Mr. Frank Vultaggio to discuss various products with a high nickel content, and a high porosity to be used as alternating plates in my electrolizer.

(2) On 9/26/03 I faxed Inco special products to sample me with their Inco foam – See fax exhibit A

(3) Phone Notes on Inco Foam on specs Exhibit B sizes ect.

(4) Copy of packing list of samples sent from Inco foam exhibit C

(5) Copy of MSDS sheet provided by Inco foam Exhibit D
* (Please note description (gray metallic, porous foam)

Conclusion: This foam material was selected for the following reasons.

(A) The foam is 99.9 % nickel which with the other interactions between the stainless plates, distance between plates, and the erratic electrical D.C. charges bouncing off each other should make a different gas. Also it would be impossible to make separate H & separate O using this method.
This was important because separate H & separate O gases are very unstable, and subject to explosion as stated in previous inventions.

(B) The gas being formed inside, outside, and throughout the foam come off as different shaped clusters bonded together as one gas, not separate gases on a flat or round cathode and anode as with previous electrolizers.
The foam was used in many combustions of size, plate distance, and visual observation through the glass top electrolizers shown in the previous patent application.